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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Note verbale dated 29 June 2000 from the Permanent Mission of Belarus to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights

The Permanent Mission of the Republic of Belarus to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith the text of the report* of the Government of Belarus prepared pursuant to the Chairperson's statement made on 20 August 1999 at the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

* The report contained in the annex is reproduced as received in the language of submission, and in English only.

Annex

REPORT

ON LEGISLATION GOVERNING AND PROTECTING THE OBSERVANCE OF HUMAN RIGHTS IN THE REPUBLIC OF BELARUS

GENERAL

Citizens' rights, freedoms and obligations in all the main spheres of life (socio-economic, political and private) define their legal position in society, and thus their legal status. The latter is the criterion of the policy of a genuinely democratic, rule-of-law State.

The objectives of the Belarusian Government's human rights policy are to define and implement integrated measures to ensure the effective protection of citizens' rights and freedoms during the transition to a civil society.

Article 2 of the Constitution of the Republic of Belarus embodies the country's most important constitutional principle, namely that the primacy of the individual and of his rights and freedoms, together with guarantees for their realization, constitute the State's highest value and objective. That is the basis for the formation of civil society in Belarus.

Measures relating to the law are now being given priority in the efforts to ensure the requisite level of protection of citizens' rights and freedoms. The country is also pursuing measures in the socio-economic, material and organizational spheres with this same aim of strengthening the institution of citizens' rights and freedoms.

The main means of improving the machinery for the safeguarding of citizens' constitutional rights and freedoms

Belarus now has a modernized corpus of laws that provides a constructive foundation for the further development of citizens' rights and freedoms. The chief components of that corpus are: the Constitution, adopted as amended by national referendum in 1996; the country's principal laws, including the new codes; various decrees and edicts of the President of the Republic, Government decisions and other legislative instruments adopted in recent years, as well as departmental and local regulations, which have recently been substantially revised.

The universally recognized principles of international law and the rules of international treaties to which Belarus is a party form part of the law in force in Belarus and, therefore, of the body of rules governing citizens' rights and freedoms.

In shaping the law that provides for citizens' rights and freedoms and for their realization and protection, Belarus accords a large place to the principles and rules laid down in international instruments. It is no accident that the Constitution states that Belarus acknowledges the primacy of the universally recognized principles of international law and will ensure that its own legislation complies with them (art. 8).

The most important and comprehensive of the international human rights instruments, one that unites national and international efforts to promote and protect human rights and fundamental freedoms, is the International Bill of Human Rights. It comprises the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the 1966 International Covenant on Civil and Political Rights and the Optional Protocol thereto. All of these instruments have now entered into force for Belarus, which has either ratified them or acceded to them. The International Bill of Human Rights reflects the world's peoples' common understanding about inalienable and indestructible human rights and it is compulsory for all members of the international community to bring their domestic legislation into line with the international rules and standards in it. The general provisions and principles and the specific rights and freedoms in all spheres of human life set forth in the Bill are benchmarks.

In developing and improving its domestic law, Belarus, as a full member of the international community, consistently pursues a policy of comprehensive respect for human rights and freedoms and compliance with the relevant international rules. The most important international principles and rules have been embodied in Belarusian law (primarily in the Constitution and other laws).

Belarus is a party to a number of universal international human rights treaties, chief among them the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (entry into force for Belarus: 1954), the 1952 Convention on the Political Rights of Women (entry into force for Belarus: 1954), the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (entry into force for Belarus: 1976), the 1973 International Convention on the Suppression and Punishment of the Crime of *Apartheid* (entry into force for Belarus: 1976), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (entry into force for Belarus: 1981), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entry into force for Belarus: 1987), the 1989 Convention on the Rights of the Child (entry into force for Belarus: 1990), the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (entry into force for Belarus: 1970), and the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (entry into force for Belarus: 1998).

Belarusian law regarding the establishment and protection of human rights and freedoms has now been brought substantially closer to the relevant international standards.

Many provisions of the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1966 International Covenant on Civil and Political Rights and other international human rights instruments have been embodied in the Constitution or other parts of Belarusian law. The treatment accorded to human rights and freedoms in the Constitution is new, reflecting a closer alignment with international guidelines and standards.

A rule-of-law State would be unthinkable without firm guarantees of the genuine exercise of the universally recognized human rights and fundamental freedoms. Consequently, the creation of a State where a truly fair legal system prevails presupposes the adoption not only of

laws providing for personal rights and freedoms and their precise application but also of laws ensuring that citizens have the requisite information regarding their rights and the laws and institutions that exist to protect them, and the possibility of easy and free access to the relevant bodies, especially the courts, for the protection of their rights and freedoms against all breaches.

The Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948 provides, in article 8, that everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

The International Covenant on Civil and Political Rights stipulates, in article 2, paragraph 3, that States must ensure that everyone whose rights or freedoms are violated has an effective remedy, that the right to such remedy is determined by competent judicial, administrative or legal authorities, or by any other competent authority provided for by the legal system of the State concerned, and that they must develop the possibilities of judicial remedy.

Hence, international legal instruments guide States towards the provision in domestic law of the possibility of protection of human rights and freedoms in competent national organs, priority being given in this respect to the judicial protection of citizens' rights and freedoms.

Belarusian law provides for the comprehensive protection of citizens' rights and freedoms, including in judicial organs.

Under article 59 of the Constitution, State organs, officials and other persons entrusted with the execution of State functions are obliged to take, within the limits of their competence, the requisite measures for the exercise and protection of the rights and freedoms of the individual.

Article 60 of the Constitution guarantees every citizen the protection of his rights and freedoms by a competent, independent and impartial court of law within the time-limits specified by law. For the purposes of defending their rights, freedoms, honour and dignity, citizens are entitled by law to seek through the courts redress for property damage and material compensation for moral injury.

The above constitutional rules establish the principles for relations between the State and the individual and give priority to the latter's interests.

Belarus has recently adopted a number of very important legislative instruments in the sphere of adjective law: the Code of Civil Procedure, the Code of Criminal Procedure and the Marriage and Family Code. These instruments make possible the full protection before the courts of the rights and legal interests guaranteed to citizens by the Constitution.

The judiciary in Belarus is independent and of equal status with the executive branch and the legislature. The judiciary safeguards the rights and freedoms of citizens of the Republic.

The principles of the organization and activity of the judiciary are laid down in the Constitution, the Judicial System and Status of Judges Act and the various codes of Procedure.

(1) The separation of the judiciary, legislature and executive and the administration of justice solely by the courts;

(2) The principle that judges are independent and subject only to the law;

(3) The principle that justice is administered on the basis of citizens' equality before the law and the courts;

(4) The principle of compliance with the law in the administration of justice;

(5) The public nature of judicial proceedings;

(6) The principle of adversariality and of equality of the parties in the administration of justice;

(7) The right of citizens to protection by the courts.

Every citizen is entitled to turn to the courts for the protection of his rights, freedoms, honour or dignity and to seek redress through the courts both for material damage and for moral injury.

Pursuant to article 62 of the Constitution, every citizen has the right to legal assistance for the exercise and protection of his rights and freedoms, including the right to have at any time the assistance of lawyers or other representatives in courts. In the instances provided for by law, citizens may be given legal assistance at the State's expense.

Opposition to the provision of legal assistance is prohibited.

Of great importance in criminal cases is the securing to the suspect or accused of the right of defence at all stages of the proceedings.

The application of the principle of securing the said right of defence presupposes an obligation on courts, procurators and persons conducting a pre-trial investigation or an initial inquiry to explain the suspect's or accused's legal rights to him during the proceedings and to take measures to ensure that he has a genuine possibility of using all the means provided by law for defending himself against a charge, including the assistance of a lawyer.

It is a requirement of article 25 of the Constitution that persons being held in custody be given the right of judicial verification of the lawfulness of their detention or arrest.

The securing to the suspect or accused of the right of defence is not only a reliable guarantee of protection for personal rights and freedoms in criminal proceedings, but also a necessary condition for the proper administration of justice.

Human rights and freedoms are also protected by the Constitutional Court, which article 116 of the Constitution makes responsible for verifying the constitutionality of enforceable enactments.

Enforceable enactments or, as the case may be, provisions thereof which the Constitutional Court finds to be unconstitutional are null and void. In many instances, such unconstitutional instruments have violated rights and freedoms which the Constitutional Court has deemed to be entitled to protection. The Constitutional Court's rulings are of great importance in guaranteeing the constitutionality of legislation, law and order and the protection of human rights and freedoms.

The procedure and conditions for the restriction or suspension of personal rights and freedoms are dealt with in articles 23 and 63 of the Constitution. It is noteworthy that, pursuant to those articles, such restriction or suspension is only permissible when provided for by law. In Belarusian law, the objects of the special measures this entails are narrower than in international legal instruments, including the International Covenants.

The concrete scope of Belarusian citizens' rights and freedoms is determined by a number of objective factors characteristic of the present state of society. Consequently, the most promising way of developing that scope in the near future is to ensure not only that the individual has a high legal status, but also that that status is sufficiently stable and that citizens are clear and certain about the scope and content of their rights and freedoms and, above all, about the possibilities for their practical use and protection in the socio-economic conditions that obtain in the country. The achievement of social harmony, the consolidation of society and the guaranteeing of the requisite scope of citizens' rights and freedoms constitute a far from easy task, but one that cannot be dispensed with in a society whose aims are the building of a democratic, rule-of-law State and the occupation of its due place in the world legal community. Fulfilling that task requires the creation of strong machinery for the social and legal protection of rights and freedoms that is based on a package of mutually-agreed socio-economic, organizational, social-psychology and legal measures aimed at linking, coordinating and optimizing the manifold activities of the State and the many components of its political system.

Currently, the changes in the legal status of the individual concern principally the group of citizens' political and, above all, socio-economic rights and freedoms. That is so because of the changes in the country's political system and economy and of the coverage in law of new forms of ownership. Together with the emergence of new economic rights (private property ownership, freedom to engage in business, etc.) that are equal for all, there has been a substantial narrowing of the basis for the realization of a number of social rights (to labour, housing, leisure time, etc.). The State is striving to protect the disadvantaged strata of the population through the realization of the right to a decent existence. In this connection, there is currently a large number of special legal statuses for the population groups least well protected during the period of economic reform.

Nowadays political rights are being realized through the concurrent existence within society of a variety of political tendencies and ideas, through political pluralism and the presence

of a multi-party system, etc. Problems do, however, occur in this regard, because, for example, the country has no firm tradition of political pluralism and people's political literacy and sense of justice are still inadequate.

The realization of rights and freedoms requires not only the securing to the citizen of specific rights, but also the actual receipt by him of the benefits that constitute the content of those rights. Hence, if citizens are to be able to realize them, their rights and freedoms must be soundly guaranteed.

The State constitutes the political guarantee of citizens' rights and freedoms. The Constitution proclaims Belarus to be a social, democratic State based on the rule of law (art. 1) that guarantees its citizens their rights and freedoms and whose supreme goal is the safeguarding of those rights (art. 21).

The building and development of a rule-of-law State necessitates the creation and operation within the country of civil society. In turn, the formation of civil society is impossible without a rule-of-law State. From this it may be concluded that the consolidation of civil society will be possible only with the support of the State. It is precisely now, when the country is going through the difficulties of transition, emergence of a new political and economic system and combating of a crisis, that attention needs to be given to the development and democratization of State institutions.

Thus, the building of a rule-of-law State requires the reform of the entire legal system with a view to the construction of a society having citizens' rights and freedoms as its basic values. Such reform is impossible without strengthening the role of the law by means of the careful crafting of a genuinely functional legal apparatus and the elaboration, on the basis of theory, experience and practice, of legal guidelines meeting the needs of our emergent sovereign State.

The persistent and gradual reform of the Ministry of Justice through the expansion of its functions is an integral part of the State's policy in the sphere of justice and will further the safeguarding of the rights and lawful interests of the Republic of Belarus, citizens and legal persons as well as the improvement of court procedures and the application of judicial decisions.

As a rule-of-law State, Belarus is still in the process of formation. How consistent that process is and when it will be completed will depend to a large degree on the Government. The development of the political situation in independent, post-Soviet Belarus has been such that the Government has emerged as a more active, influential force in the "authorities/society" system - and, being legitimate, stable, strong and law-abiding, it is able to pursue reforms in various spheres (particularly the economy) whose effect is a radical improvement in the situation as regards the guarantees of human rights and citizens' rights.

Feedback from society - feedback about its problems in general and feedback from individuals - is of great importance in this respect. Accordingly, article 40 of the Constitution guarantees everyone the right to submit personal or collective appeals to State organs. Those organs, and persons occupying official functions, are obliged to examine such appeals and reply on their substance within time-limits set by law. All refusals to examine citizens' appeals must

be justified in writing. Development of the legal machinery for the effective guaranteeing of citizens' rights and freedoms is an ongoing concern of Belarusian legal theorists and practitioners.

Fulfilment of undertakings to the Sub-Commission on the Promotion and Protection of Human Rights

Belarus attaches great importance to cooperation with United Nations human rights bodies and is open to constructive dialogue.

Throughout its history as an independent State there has never been an instance in which representatives of the United Nations human rights bodies have been denied the right to visit Belarus. Indeed, the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, has been invited to visit the country.

The Ministry of Foreign Affairs has produced and submitted to Parliament a bill that would withdraw the reservations to article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. We are pleased to report that the bill has been favourably received by the Parliamentary commissions on international relations and on human rights, which have recommended its adoption.

The bill was considered in plenary by the House of Representatives of the National Assembly of the Republic on 22 June 2000. After discussion, it was adopted with 68 votes in favour. None of the deputies present voted against the bill.

In conformity with constitutional procedure, the bill, having been approved by the House of Representatives, has been forwarded for consideration to the Council of the Republic in the National Assembly. After confirmation there it will be signed by the President within ten days.

A bill to establish a human rights attorney (ombudsman) in Belarus has been drafted by the National Centre for Legislative Activity operating under the authority of the President, in cooperation with all interested executive, legislative and judicial bodies. The aim is to create an organ that meets the high standards of the United Nations relating to national human rights institutions. The drafting of this bill featured in the Presidential Edict on legislative activity in the year 2000.

The bill is now completely ready. Unfortunately, the current session of Parliament is the last. Elections for a new House of Representatives are scheduled for October 2000. A central topic at the last session was, thus, the drafting and adoption of an Electoral Code meeting international standards. This process is advancing in close cooperation with, and with due regard for the comments by, OSCE and the Council of Europe. It has, however, significantly reduced the number of other bills under consideration in Parliament. The Ministry of Foreign Affairs is nevertheless determined to ask the National Assembly to consider the bill.

Early admission of Belarus to the Council of Europe has never been off the agenda of the Belarusian leadership. Joining the Council is an absolute priority in our relations with the

European institutions. We are aware that membership of the Council of Europe requires accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Studying that Convention and compiling an inventory of Belarusian legislation and law-enforcement practice with a view to checking their consistency with the Convention are two items on the draft National Programme of Action for the promotion and protection of civil rights during the creation of a civil society in Belarus.

Work on the draft National Programme of Action was completed in the spring of 2000. The Programme was drafted by the Government on instructions from Parliament and is now before the President for consideration. One of the most important items in the Programme is bringing Belarusian legislation and law-enforcement practice into line with the country's international obligations as regards, among other matters, the administration of justice. We hope that its application will make a significant contribution to the exercise and protection of Belarusian citizens' rights.

Dialogue between political and social forces

The Belarusian leadership is striving to maintain the social harmony that has always been a beneficial feature of our country. The launching in 1999 of consultations between the Government and political and social circles in Belarus was the logical continuation of these efforts. The format of these consultations was, however, unjustifiably constrained, and did not reflect the genuine disposition of forces within society. A whole range of political parties and non-governmental organizations representing 80-90 per cent of civil society were left out of the consultation process. Many parties and NGOs thus entertained quite reasonable doubts about attending the consultations. It was for this reason that, in February 2000, the President of the Republic proposed a wide-ranging dialogue within Belarus in which all social and political forces would take part.

The entities taking part in the dialogue of social and political forces (110 Belarusian social and political organizations of various persuasions, including 11 political parties) that began on 29 March 2000 have expressed their support for it, regarding it as a unique opportunity to tackle the problems confronting Belarusian society in a civilised fashion. Another aim of the dialogue is to make the preparations for the forthcoming elections as "transparent" as possible.

Six expert groups have been set up and are working successfully under the auspices of the group that inaugurated the dialogue. The members of those groups have been discussing the most topical issues facing Belarusian society, among them the amendment of the Electoral Code, and drawing up proposals for adoption in subsequent plenary sessions.

A plenary session of the dialogue held on 30 May 2000 was attended by the President of the Republic in person. The direct involvement of the Head of State was prompted by his desire to make the dialogue process more dynamic and results-oriented.

The President spoke out unambiguously in favour of continued dialogue as the only acceptable means of reaching national consensus, and confirmed his willingness to attend sessions of the dialogue in person in order to discuss the most vital aspects of social development.

Information on the progress of the dialogue and preparations for the elections is made available over the Internet and may be consulted at the following addresses:

http://www.president.gov.by/rus/dialog/ and http://www.president.gov.by/cec/

The Belarusian leadership is prepared to help in any way it can to promote the wide-ranging dialogue among the social and political forces in the country which was launched on 29 March 2000.

The format of the dialogue, involving the Government, political parties and NGOs, fully meets the requirements of the current state of development of civil society in Belarus and is consistent with Belarus' obligations as laid down in the Declaration of the OSCE Istanbul summit (November 1999). The current Constitution and laws of the Republic serve as the basis for discussion. Any matter, including amendments to current legislation, can be raised and discussed. Such amendments can and must, however, be proposed, as procedure requires, within the current legal framework - as is being done in the case of the Electoral Code.

All social and political groups and movements, including those which for various reasons have hitherto not attended the plenary sessions of the dialogue, have the possibility of taking part in the work of the expert groups.

Individual parties and politicians who consciously exclude themselves from the dialogue process are thereby standing aside from a civilised and honourable political process that embraces all Belarusian society. That they deliberately ignore the dialogue testifies first and foremost to their lack of confidence in their own potential and their determination to boycott the elections. It is our firm opinion that democratic elections should not be held hostage to the dealings of a small group of politicians pursuing their own interests.

The Republic of Belarus is open to constructive cooperation in the course of the dialogue with all interested international organizations, notably OSCE through its Advisory and Monitoring Group in Belarus.

The President of the Republic joined the process in person on 30 March 2000 in order to ensure that the dialogue resulted in proposals for the constructive amendment of Belarusian electoral law and the holding of free and democratic parliamentary elections.

Drafting and adoption of the Electoral Code

One of the most vital requirements for the observance of human rights and freedoms is to ensure that the forthcoming parliamentary elections are democratic. A prerequisite for this is the adoption of an electoral law that meets international standards.

Belarus has drawn up and adopted a new Electoral Code in close collaboration with leading European organizations. In particular, the draft Code was sent in the summer of 1999 to OSCE and the Council of Europe for legal appraisal, and to all political parties and movements in Belarus for comments and suggestions.

During its discussion in Parliament, 61 separate amendments were made to a total of 59 articles in the draft Code. In its final version the Code takes account of most of the comments made by the OSCE Advisory and Monitoring Group in Belarus. The only exceptions were those that contradicted the Belarusian Constitution or related to topics not covered by the Code. It may thus be confidently stated that we are ready to hold parliamentary elections on the basis of electoral law that meets international standards.

The experts on the Council of Europe's Commission for Democracy through Law (Venice Commission) had already stated that the initial draft of the Code was entirely suitable for the conduct of sufficiently fair elections.

The Belarusian opposition put forward its suggestions only at the last stage, and then only through the OSCE Advisory and Monitoring Group in Belarus. Even so, some of these proposals were taken into account by the National Assembly during the passage of the Electoral Code.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) also made an expert analysis of the draft Electoral Code. Although its analysis is dated 20 January 2000, however, it was based on the initial session of the draft without a single correction. The ODIHR analysis is obviously politicized, prejudiced and contrived, abounding in deliberate distortions of what the Belarusian Constitution and the Electoral Code itself say.

The text of the Electoral Code as adopted has been sent to leading European institutions for a further evaluation of its consistency with democratic standards.

It is our firm belief that the Electoral Code adopted by the Republic of Belarus is a significant improvement on the Belarusian Supreme Soviet (Elections) Act under which the members of the Supreme Soviet of the thirteenth convocation were elected, and that Act was itself acknowledged to be on the whole in conformity with European standards. The political parties, public organizations and trade unions participating in the dialogue of social political forces paid careful attention to the conformity of the Code to democratic standards and the emendation of individual provisions. They drew up a range of proposed emendations to the Code, inter alia regulating the rights of national and international observers, expanding the membership of the electoral commissions to include more representatives of political parties and public entities and lowering the turnout requirements for the first round of voting. These proposals were placed by the President of the Republic before the National Assembly for consideration, and have now been approved by the lower house of Parliament.

Work in the dialogue machinery continues. The political parties and public organizations taking part are now considering means of improving the legislation governing the mass media and the freedom of political gatherings, marches, demonstrations and other mass events in Belarus.

Comparative analysis of the Electoral Code and the old Elections Act

A number of substantial changes making the electoral campaign process more democratic have been introduced into the Electoral Code, in conformity with the Constitution, by comparison with the old Supreme Soviet (Elections) Act.

The Code now incorporates an article 11 reflecting one of the important principles to be observed in elections, including elections of members to the House of Representatives in the Republic of Belarus. This lays down the organizational principles governing the conduct of elections by electoral commissions, the composition of those commissions (representatives of political parties, other public entities, labour collectives and representatives of the general public), and their supervisory authority. Their independence from State bodies and local authorities is carefully delimited, as is the obligation of all bodies, public entities, businesses, institutions, organizations and citizens to comply with decisions handed down by the electoral commissions within the limits of their jurisdiction.

Article 6 of the Act only states that elections to the Supreme Soviet shall be conducted by electoral commissions, whose composition it dictates.

Changes have been made to the way in which elections are called. At present both regular and special elections to the House of Representatives in the National Assembly (Parliament) are called by the President of the Republic. He as the Head of State also determines the organizational arrangements under which elections will be held. Under the old Act, elections to Parliament were called by the Supreme Soviet itself three months before the expiry of its term of office.

Under the Code as under the Act, responsibility for the conduct of electoral campaigns is vested in the electoral commissions - central, district and constituency-level. At the same time, there are a range of differences in the commissions' composition and jurisdiction.

In keeping with the amended Constitution, the principle whereby the Central Commission on Elections and Republic-wide Referendums is constituted has been changed. From a body which under the Act was constituted by and entirely subordinate to Parliament, it has been transformed into an independent body constituted on an equal footing by the President of the Republic and the Council of the Republic on the basis of joint submissions by the Presidiums of the oblast-level and City of Minsk councils of deputies and by the oblast-level and City of Minsk executive committees. Thus the Head of State and members of the representative and executive branches of power all have a say in the constitution of the Central Commission, and this ensures that they cooperate in carrying out one of the most important functions in the State.

The Central Commission is an independent body not bound by the decisions of political parties or other public entities; this is stated in so many words in the special Act governing its constitution and activities. The Act also contains a provision forbidding members of the Central Commission to participate in the activities of political parties or accept instructions from them. There are restrictions on the kinds of people who may become members (candidates for the presidency of the Republic or seats in the House of Representatives and their attorneys,

candidates for the Council of the Republic, members of the House of Representatives and Council of the Republic, and other persons in the instances provided for by legislation are excluded). Account is taken of all these provisions in the Code.

To ensure that the Central Commission can carry out its complex tasks and take legal, well-founded decisions, its members have to meet high professional requirements: as a rule they must have a university-level legal education and experience in the organization and conduct of elections and referendums.

The Code is more thorough and detailed than the Act on the subject of the jurisdiction of the Central Commission over the arrangements for the conduct of elections, the direction of the activities of the electoral commissions, the conduct of elections beyond the borders of the Republic, financing and the allocation and disbursement of resources during elections, and the monitoring of compliance with, and submission of proposed amendments to, the law.

The fact that the Central Commission is required to ensure that political parties, other public entities and candidates are afforded equal legal conditions for their pre-election activities, and that it does not have the right to take final decisions on applications and complaints against the decisions and actions of the electoral commissions, whereas provision is made for such applications to be heard by the courts, is another important safeguard of democratic principles. It should be noted that the Central Commission has jurisdiction to establish and develop contacts with bodies in other States and international organizations concerned with the conduct of elections and referendums. Thus it is able to take better account of international experience in the conduct of electoral campaigns in democratic countries.

Compared with the Act, the Code is more thorough and detailed on the substance of and compliance with the principle of disclosure in the preparations for and conduct of elections. Article 13 of the Code gives a list of the people who are required to monitor the entire course of the electoral campaign under a procedure established by the Central Commission, and specifies which State body can invite observers from foreign States and international organizations, who are accorded the same rights as other observers (representatives of State bodies, political parties, other public entities, labour collectives, individual citizens and the mass media), to Belarus. It also more clearly regulates the participation of observers at all stages of the electoral process.

The Code changes the number of electoral constituencies and procedure for their definition. They are defined by the Central Commission on submission from the oblast-level and Minsk executive committees (as under the Act, the oblast-level and City of Minsk councils of deputies play no part). The constituencies have been enlarged and their number reduced from 260 to 110. At the same time it has been made a requirement that constituencies should contain roughly equal numbers of voters. Variations of more than 10 per cent are not permitted, and this has been made the single criterion for compliance with the requirement. The Act had general provisions to the effect that constituencies for the purpose of elections to the Supreme Soviet were to be defined in Belarus with approximately equal numbers of voters, account being taken of the administrative and geographical divisions within the Republic. Moreover, the Code specifies that each constituency must consist of a single geographical unit and that the formation of constituencies out of non-contiguous areas is not permitted.

Unlike the Act, the Code offers judicial protection for members of an electoral commission whose authority is prematurely terminated by the body that constituted it. The courts are required to hear complaints on this subject and hand down decisions, which are regarded as final, within a specified period.

The Code offers broader opportunities to appeal against irregularities in electoral lists not only to the courts but also to the next higher electoral commission.

Under the Code, a group gathering signatures in support of the nomination of a candidate for the House of Representatives may, if the next higher electoral commission refuses to register the nomination, appeal to the courts.

The Code devotes greater attention than the Act to the procedure whereby candidates for elected posts may be nominated by support groups gathering signatures (compilation of lists, submission of lists of signatures to the electoral commissions, verification of the authenticity of the details given in those lists, grounds for declaring lists of signatures spurious), this being an important aspect of the legitimacy of elections. It establishes a minimum threshold (20 per cent) for the number of voters' signatures that must be checked by the district and electoral commissions, and clear qualitative criteria for finding signatures invalid. If, however, spurious signatures are found only they, not the lists containing them, are excluded from the count. This is of significance in decisions to register or refuse to register candidates for elected posts.

There is a special article in the Code, article 73, plainly setting forth the democratic requirement that all candidates for the presidency of the Republic and for elected posts must have equal rights and obligations and forbidding candidates to take advantage of the privileges of their official positions to further their election. It also indicates what is meant by those privileges. A breach of that requirement is grounds for refusing to register a candidate or for annulling his registration.

Article 47 of the Code seeks to prevent abuse of the right to engage in pre-election canvassing. It lays down specific requirements for the content of canvassing material, which must contain no propaganda for war, no calls for the violent overflow of the constitutional order or violation of the territorial integrity of the Republic, and nothing defamatory or libellous to public officials or candidates for the presidency or elected posts. Canvassing and propaganda based on social, racial, national, religious or linguistic superiority, and the utterance and distribution of messages and materials fomenting social, racial, national or religious hatred, are prohibited.

Of great importance to the conduct of the elections is the second part of the same article which forbids candidates for elected posts, their attorneys, and organizations and individuals canvassing for the election of candidates to take any action that might affect voters or their voting intentions (distribution of money or gifts, other physical assets, provision of any services or goods free of charge etc.). In the event of a breach of this requirement, the electoral commissions may take action to put a stop to the abuses or even annul the candidate's registration.

A special section of the Code, chapter 12, deals with liability in the event of breaches of the law during electoral campaigns. It provides for a wide range of measures (administrative or criminal proceedings, annulment of a candidate's registration, provision of candidates with an opportunity publicly to refute false information spread about them, referral in contentious cases to the electoral commissions, the Office of the State Prosecutor or the courts) that can be applied to those responsible.

One important requirement for fair elections is the establishment of proper financing arrangements guaranteeing candidates for elected posts equal opportunities during their electoral campaigns. For this reason, the Code contains a separate article, article 48, defining the sources from which monetary resources may be obtained and how those resources may be disbursed and used by candidates for elected posts. Electoral campaigns may be financed only with funds from the State budget or out of monies contributed by Belarusian organizations, public entities and citizens and placed in an extrabudgetary fund established by the Central Commission. These funds must be distributed equally among candidates and used under the supervision of the Central Commission, which is required to report to the House of Representatives on how the resources from the State budget have been disbursed, and to publish accounts of the disbursement of monies from the extrabudgetary fund.

The Code has reduced from 50 to 25 per cent the voter turnout threshold above which ballots for members of the House of Representatives are deemed valid in the second round of voting.

It must in conclusion be noted that international bodies raised no objections concerning the democratic credentials of the old electoral law, and that elections conducted on the basis of that law were recognized.

There are thus no real grounds for raising objections to the new Electoral Code, whose stronger democratic credentials, as shown above, are self-evident.

Regard for the rights to freedom of conscience, religion and creed

The Republic of Belarus is a newly independent State. The transition from the authoritarian Soviet system, one of the guiding principles of which was the imposition of atheism, is not yet complete. Nonetheless, the progress that has been made is most visible precisely in the spiritual area of public life.

Figures may not be the best of arguments in matters of religion, but the facts speak for themselves. Since the new legislation on freedom of conscience and creed came into effect in 1990, the number of religious organizations has doubled. Belarus had over 2,420 religious communities in 1999, and around 100 religious associations, monasteries and seminaries. They bring together around 50 per cent of the adult population of the country with their religious ideas, common activities and acts of worship.

According to research by the Sociology Institute of the National Academy of Sciences, 86 per cent of Belarusian believers say they belong to the Orthodox Church, about 10 per cent to the Catholic Church, 3.5 per cent say they are Protestants, and 1.2 per cent belong to other faiths - Jews, Muslims, Old Believers and members of the Uniat church among them.

The sphere of activity of religious organizations has expanded significantly. Besides acts of worship they now actively engage in charity work, proselytism, religious education and social services, and have publishing and commercial interests.

As religious organizations revive, the national and local authorities have been disencumbering places of worship, making them over to those organizations, and helping them to build new shrines. Believers now have 1,664 churches, mosques, synagogues and houses of prayer at their disposal.

The Belarusian Constitution guarantees all citizens the right to profess any religion or none. The legal status of religious organizations is regulated by laws reflecting the interests of both believers and non-believers. All religions and creeds are equal before the law.

The church in Belarus is separate from the State, but this does not mean that the State disregards the interests of its citizens who profess a variety of religions. Article 16 of the Constitution lays down that relations between the State and religious organizations are to be regulated by legislation, due account being taken of their influence on the spiritual, cultural and State traditions of the Belarusian people.

Relations with religious organizations are handled by a specially created body, the State Committee on Religious and Ethnic Affairs.

One example of these relations was the celebration throughout the Republic of the 2000 anniversary of the birth of Jesus Christ. Celebrations were organized by a specially created national committee that operated pursuant to a Presidential edict. At the invitation of His Holiness Diodoros I, the Patriarch of Jerusalem and All Palestine, the President of Belarusia attended celebrations in the Holy Land. The Belarusian faithful welcomed the celebration of the Christian Jubilee at the State level.

Here it should be noted that the main religious festivals of the two major faiths in Belarus, Russian Orthodox and Catholic, are celebrated nationwide.

The less widespread professions are not overlooked. The country's leaders regularly attend celebrations organized by the Jewish community, and construction of a mosque in Minsk, which has its own Islamic cultural and educational centre, is nearing completion.

Interdenominational peace has been a crucial factor in social and political stability in Belarus throughout the past few years. The policy on church-State relations pursued by the country's leadership has permitted unconstrained personal self-determination and self-development in the religious sphere without a single serious conflict between members of the different faiths represented in Belarus. A never-ending mutual search for points of contact

and principles of cooperation between the powers that be and the church is, moreover, being conducted on the basis of common human moral values amidst a diversity of world views, nationalities and faiths.

Rights of women

Women in Belarus constitute the most numerous sociodemographic group, numbering 5,458,000 or 53 per cent of the total population, and have borne the brunt of the adverse effects of the transitional period. These include excessive workloads both in their jobs and at home, growing female unemployment, a feminization of poverty, deteriorating working conditions, poor representation of women in legislative and governmental bodies, particularly at the higher levels, a general increase in antisocial behaviour and domestic violence, and declining health standards.

To tackle these problems in the light of the recommendations of the Beijing Conference and the commitments into which Belarus has entered, the country drew up a national plan of action to improve the status of women over the years 1996-2000, which was endorsed by the Cabinet of Ministers in June 1996, and a Republic-wide "Women of the Republic of Belarus" programme, endorsed by the Cabinet of Ministers in August 1996, which fleshed out that plan in detail. Work is now in progress on a national plan for the ensuing period; this will take account of the recommendations made by the Committee on the Elimination of Discrimination against Women.

Belarus is one of the few States to have submitted to the United Nations Secretariat a progress report on the Platform for Action adopted at the Beijing Conference, in the form of replies to the Secretariat's questionnaire, together with proposals for action and initiatives.

The hardest current problems as regards the status of women are to be found in the sphere of employment. The job structure is such that, although significantly better educated, women put their education to use in the worst-paid occupational groups, of which they constitute an ever-growing proportion. Unemployment remains a serious problem. At a time when a sharp fall in real incomes has made women's wage packets essential for family survival, the number of jobs on offer is shrinking and competition for them has become keener.

The Republic draws up national employment programmes every year with the aim of finding people jobs and providing welfare protection from unemployment; these include a range of measures to improve women's status on the labour market.

The most effective means of palliating the social impact of unemployment is vocational training, which is increasingly being used by the employment services to restore job mobility and make women more competitive on the market for jobs. In reaction to changes on the labour market, educational institutions routinely offer training in new occupations, professions and specialist trades. The new List of Academic Specialities affords greater opportunities for women to obtain vocational and technical training thanks to a more thorough integration of individual occupations under the current Consolidated Table of Tariffs and Skills. Efforts are also being made to boost self-employment and entrepreneurial activities among unemployed women.

The national plan also makes provision for the establishment of a gender-balanced roster of staff for promotion. A number of ministries and local authorities have acted on these recommendations but overall there is as yet no specific policy of selecting and appointing women to senior positions.

The Principles governing State Family Policy, drawn up by the Ministry of Welfare and endorsed by Presidential Edict No. 46, dated 21 January 1998, have become an important tool in the regulation of relations between the State and the family. A list of priority activities calls for moves to support young families and children in particular, to strengthen the legislative base, to offer strong guarantees of employment to workers with family commitments and so forth. A concept paper on State population policy and Principles governing the Application of Population Policy were approved by resolution No. 996 of the Council of Ministers, dated 26 June 1998.

To enhance welfare protection for families with invalid children, a law has been passed amending the Families with Children (State Benefits) Act so as to extend the award and payment of State benefits and supplements to families with invalid children and children infected with the human immunodeficiency virus or suffering from AIDS until the children reach the age of 18.

The demands of families, working parents and women are primarily being met through the development of a social services system offering socio-economic, paramedical, psychological and child-rearing, paralegal and community services.

Further to these efforts, a bill on social services has been drafted to provide the basis for the legal regulation of the social services sphere, including the forms, types and principles of financing, and the conditions under which social services are to be arranged, provided and obtained. When passed, the Act will define State strategy regarding social action and the prospects for the development of the social services sector.

Belarus notes with concern the current tendency towards the feminization of poverty in countries with transition economies. Poverty is a relatively new social phenomenon in Belarus, an adverse side-effect of complex economic and social reforms and the largest environmental disaster of the century - the Chernobyl catastrophe.

In this connection we consider it extremely important that national efforts should be appropriately supported by the international community, including the United Nations system; this, in our view, would be a more thorough-going means of fostering the realization of women's rights.

Belarus submitted its third periodic report on compliance with the Convention on the Elimination of All Forms of Discrimination against Women in January 2000. We are pleased to note that the conclusions reached by the Committee on the Elimination of Discrimination against Women on completing its discussion of the report are consistent with our own intentions and will without a doubt form the basis for national action to improve the status of women.

Opposition access to the mass media

The Belarusian leadership has been devoting considerable attention to improvements in the legislation underpinning the operation of the mass media so as to bring it into line with international standards.

As of 1 February 2000, a total of 1,093 periodicals were registered in the Republic, of those only 200 or so are published by the State.

Any independent publication, including opposition publications, is freely available at all Soyuzpechat kiosks - even the kiosk at the Presidential Residence. There are no obstacles to the placement of printed publications on the Internet, and a significant proportion of the opposition press has its own Web sites.

The State Committee on the Press intends to revive the former tripartite group, which included the independent Belarusian Association of Journalists, working on refinements to the legislation governing the mass media. Media activities are also being discussed within the framework of the social and political dialogue in which over 100 political parties, social entities and trade unions are taking part.

Belarusian television, radio stations and newspapers genuinely do give opposition and independent points of view access to the State-owned media. Accusations that freedom of expression is being "squeezed" are therefore wholly unjustified. Only recently the State electronic media mounted a series of broadcasts featuring representatives of all social and political groups including the opposition parties. Representatives of the opposition including M. Grib, S. Bogdankevich, A. Dobrovolsky, A. Lebedko, S. Kalyakin, O. Abramova, N. Statkevich and V. Vecherko are regularly to be seen and heard on the air, often live. This is a conspicuous demonstration that demands for all potential participants in the forthcoming parliamentary elections to be granted access to the media are being met.

When the electoral campaign proper begins, access to the media will be regulated by the appropriate parts of the Electoral Code, which require equal opportunities for all registered candidates.

Independence of Judges

The independence of judges in the administration of justice and the subordination of the courts to the law alone are guaranteed by article 110 of the Constitution. Interference of any kind with judges' administration of justice is prohibited and punishable by law.

Guarantees of judges' independence are set forth in the Judicial System and Status of Judges Act of 13 January 1995, as amended.

According to article 9, third paragraph, of the Act, for example, judges' independence is guaranteed by the legally established procedure for their selection, appointment and removal, by their inviolability, by the judicial procedures by which justice is administered, by the confidentiality of the conferences at which judges hand down decisions, demands for disclosure

being prohibited, by the penalties inflictable for contempt of court or interference in the settlement of particular cases, by the establishment of the requisite organizational and technical conditions for courts to operate, and by material and social provision for judges and established safeguards commensurate with their high standing.

Judges' independence is a key element in their legal status in the Republic of Belarus.

Judges' independence is being consolidated as the process of judicial reform continues; one stage of this process has taken the form of the adoption of a new Criminal Code and Code of Criminal Procedure. New legislation in this area takes account of the experience of the United Nations and European regional organizations. It provides fuller coverage of citizens' right to judicial protection and enhances the authority and role of judges and lawyers.

Freedom of assembly

Freedom of assembly, political gatherings, street processions, demonstrations and picketing is enshrined under article 15 of the Constitution. The State will guarantee this freedom provided that assemblies, political gatherings, and street processions do not violate public order or individual rights and liberties.

The procedure under which such events are to be arranged, conducted and terminated is laid down in the Assemblies, Political Meetings, Street Processions, Demonstrations and Picketing Act of 30 December 1997. The objective of this Act is to secure conditions for the full enjoyment of citizens' constitutional rights and freedoms within the bounds laid down in Belarusian law and subject to the country's international obligations.

Under the Act, assemblies, demonstrations and other mass events may be prohibited only if their objective is violent change to the constitutional order or the advocacy of social, ethnic, religious or racial hatred.

Rights of ethnic minorities

According to data from the 1999 population census, 18.8 per cent of the Belarusian population is made up of members of ethnic minorities. In all, there are over 100 nationalities living in Belarus.

Recent sociological research has shown that there are no objective reasons why inter-ethnic relations in Belarus should deteriorate. The ethnic harmony in Belarusian society is explained by citizens' mental outlook, historical traditions, close and long-standing relations between different ethnic groups, and the ethnic policy pursued by the Belarusian leadership.

The Belarusian State has announced the democratic principles governing its ethnic policy, which are laid down in national legislation and match international standards on the matter, and acts upon them. It has acceded to the principal international conventions, covenants and protocols on human rights, particularly those concerned with the human dimension (a total of 29). It has signed and is complying with about 60 intergovernmental and inter-departmental

agreements and treaties with other States on matters to do with education, science, culture, information, and protection of the rights of individuals belonging to ethnic minorities.

A State Committee on Religious and Ethnic Affairs was set up in January 1997, with corresponding structures in the oblast centres and the City of Minsk, to oversee and coordinate compliance with Belarusian law and international relations in this area. The Committee has an Ethnic Communities Coordinating Board attended by representatives of 16 ethnic associations and 19 State authorities, whose purpose is to discuss problems and reconcile the interests of the ethnic and cultural associations of ethnic communities with those of the authorities.

There are over 200 associations, bringing together citizens of 17 different ethnic identities, in existence at the national and local levels. Many of these are more numerous and influential than political parties. For instance, the Belarusian Association of Jewish Organizations and Communities embraces 91 organizations and 18 communities. The Belarusian Polish Union has membership of over 25,000 and extends over some 150 organizations and structures in one-third of all the administrative divisions of the country. Over 90 performing-troupe collectives set up by ethnic minority associations are in operation.

There are schools and individual classes in which instruction is given in Polish, Lithuanian or Hebrew. For instance, over 15,000 pupils attending the State education system are learning Polish; classes taught in Polish, at parents' request, are to be found in 300 schools in Grodno oblast; there is a special school in Grodno that teaches all subjects in Polish.

There are a large number of adult schools, mostly Jewish and Polish, based around State educational and cultural institutions. As regards ethnic Russian Belarusian citizens, it may be noted that Russian is the second State language and instruction in Russian is available in schools everywhere.

Associations of ethnic minorities work in close contact with, and with support from, the governmental, educational, cultural, press and other State authorities.

For instance, the 100th anniversary of the birth of the Jewish poet Iza Kharik was widely celebrated in 1998 with poetry evenings, exhibitions, lectures, a first-day cover and a street named after the poet in his home village, Zembin in Borisov District. The State budget financed the publication of a collection of his verse, *Otsel' krichu v gryadushchie goda*. At the second Belarusian Festival of Ethnic Cultures, in May 1998, Jewish art was worthily represented by performing-troupe collectives, many of which won prizes. Over 30 Jewish children's and adult groups, ensembles and collectives operate under the aegis of public entities and at State cultural and educational institutions. To name but a few examples, the Simkha Puppet Theatre in Minsk, the *Bluzhdayushchie Zvezdy* (Wandering Stars) ensemble from Polotsk and the Yiddish Miniature Theatre from Bobruysk perform extensive repertoires to high artistic standards.

Local governmental authorities are particularly careful to look after veterans of the Great Patriotic War, inmates of concentration camps and the ghettos and other victims of fascism. With help from Jewish organizations, burial grounds and cemeteries are being put in good order.

The Jewish charitable Hesed-Rakhamim centres in Minsk, Grodno, Vitebsk and Mogilev, the Israeli Culture and Information Centre in Belarus and the Jewish Sokhnut Agency are engaged in a variety of activities with the Jewish diaspora.

Jewish associations report on their activities in their own papers and magazines: *Aviv*, *Mezuza*, *Chaveirim* and *Mishpocha*; they feature regularly on such Belarusian Radio and Television programmes as *Mnogogolosie* and *Obshchnost*.

The State Committee on Religious and Ethnic Affairs announced and ran in 1999, in conjunction with the State Committee on the Press, a nationwide contest among periodicals and magazines for their coverage of State ethnic policy and the development of ethnic culture in ethnic communities in Belarus and their promotion of an advanced culture of inter-ethnic relations.

Ethnically Jewish Belarusian citizens can attend to their religious needs without hindrance. Belarus has 13 orthodox communities, eight progressive communities and a Judaic Religious Association.

One way in which the State authorities have been working with Jewish religious organizations is by making over to them former synagogue buildings and other constructions suitable for worship. A synagogue building was handed over to the Jewish religious community in Grodno in 1992. In 1996, the Judaic Religious Association was granted title to a building of over 2,000 square metres, with an adjoining plot of 0.39 hectares, at ulitsa Daumana 136. In May 1998 the Minsk Judaic religious community was granted title to a former synagogue at ulitsa Kropotkina 22. Decisions are currently pending on the transfer of former synagogue buildings and structures suitable for worship to Judaic religious communities in Baranovichi, Kalinkovichi and Mogilev. There are plans to build a synagogue in the Belarusian capital.

Rights of the child

Belarusian policy on children establishes as the supreme political and socio-economic task of the State that of ensuring comprehensive, guaranteed protection, by the State and society, of the children, families and mothers of the present and future generations. This task is laid down in article 32 of the 1994 Constitution (as amended in 1996) and forms the backbone of the rights of the Child Act adopted by the Supreme Soviet of the Republic of Belarus on 19 November 1993, which is based on the United Nations Convention on the Rights of the Child. The Act defines the legal status of the child as an independent individual; it seeks to ensure the physical and moral health of the child and to foster ethnic self-awareness on the basis of the common human values of world civilization. Special care and social protection is guaranteed for children experiencing problems in their mental or physical development, children deprived of a family background and children finding themselves in other straitened or extreme circumstances.

Various kinds of action have been taken to protect children in Belarus. Presidential Edict No. 150, dated 19 April 1995, endorsed a comprehensive National Plan of Action for the Protection of the Rights of the Child, 1995-2000, which covers all aspects of the lives of the younger generation. The Ministry of Education serves as the coordinating body for work under the National Plan.

A National Commission on the Rights of the Child has been set up, regulations governing it and its composition have been approved. This is a central State and public body responsible for coordinating the execution of State policy on children. It is headed by the Deputy Prime Minister of the Republic.

A Presidential programme, "Children of Belarus", with sub-programmes covering children of Chernobyl, disabled children, children missing one or both parents, the development of social services for families and children and the development of a children's food industry, was endorsed by Presidential Edict No. 3 dated 6 January 1998. Its objective is to protect children's rights and ensure their social welfare.

The "Children of Chernobyl" sub-programme covers a range of measures designed to ensure that children who suffered in the Chernobyl accident receive various kinds of assistance and are supplied with food with medicinal properties, that general educational programmes are arranged for them, and that scientific research is conducted.

The sub-programme for disabled children calls for a range of measures to prevent childhood disability, a system of rehabilitation programmes to develop such children's creative abilities and encourage them to take part in work and sports, the manufacture of special equipment and training of skilled staff to work with sick children, besides scientific research.

The sub-programme for children missing one or both parents lists activities by means of which it is hoped to forestall social neglect: laying the foundations of a system of physical, technical, legal and academic facilities designed to allow such children to be looked after under normal conditions and grow physically and mentally sturdier, helping to settle them into families, increasing the number of medical and educational rehabilitation facilities, and training staff to work with the socially bereft.

Despite all these efforts, however, there are some problems that continue to get worse. Society is particularly alarmed at the growth in juvenile delinquency, which is attributable to a variety of reasons. Industrial output is falling under the influence of socio-economic upheavals, unemployment is on the rise, and the social standing of families with children is declining. The family is undergoing a great crisis: the number of broken and unhappy families, families with distorted senses of values and morals, is on the increase.

In June 1998 the Parliament held hearings on the subject of human rights where the statements delivered by members of the House of Representatives, representatives of the powers of the land, public organizations and academics made much of the rights of the child.

The judicial consideration of cases with reference to the United Nations Convention on the Rights of the Child and the Belarusian Rights of the Child Act is becoming widespread practice. In July 1998 the Brest District Court was considering an application to place a 12 year old child in the custody of its mother. Referring to the Convention on the Rights of the Child and taking account of the boy's best interests, the court determined, pursuant to article 66 of the Belarusian Marriage and Family Code, to grant the mother's application which coincided with the child's wishes. Members of the local education department brought an action in

defence of the honour and dignity of a pupil at a school in the Lyakhovich district of Brest Oblast. The action contained a reference to the Belarusian Education Act and Rights of the Child Act (art. 9). The offending parties were sacked from the school.

At present over 100 non-governmental organizations are working to give effect to the United Nations Convention on the Rights of the Child and periodically evaluate the progress made, nationally and regionally. The most authoritative of these are the Belarusian Children's Fund, the Belarusian "*My -- detyam*" Fund for Child and Adolescent Welfare, the Children of Chernobyl Committee, "Independent Aid for Children", "*Nadezhda-Express*", plus national associations of disabled children's parents, large families and so forth. Representatives of these associations sit on the National Commission on Children's Rights, are active in efforts to support children and to compile and carry out educational programmes, draft and discuss new legislation; they were enlisted to discuss the contents of the periodic report awaiting submission. Further development of cooperation between State authorities and public entities is one of the State's strategic tasks in the field of children's rights.

Besides the alarming demographic situation, the aftermath of the disaster at the Chernobyl nuclear power station is a serious problem for Belarus. There are at present 530,000 children and adolescents living on land contaminated with radionuclides. Investigations of their health have revealed undesirable trends in a number of the indicators used to characterize health quality:

An increase in the incidence of first- and second-degree thyroid hyperplasia, especially in the youngest age groups;

A rise in the number of cases of autoimmune thyroiditis and thyroid cancer in children;

A growing group of children displaying clinical and laboratory signs of immunological deficiency;

An increase in the number of children displaying all the symptoms of anaemia;

A rise in the incidence of neuro-circulatory dystonia and asthenia-related conditions.

Over the past 10 years the number of children presenting with malign neoplasms has risen from 8.0 per 100,000 population in 1987 to 13.0 in 1996 and 15.2 in 1997. In the main, the rise in morbidity is associated with an increased incidence of solid tumours. The incidence of leukaemia varies to some extent in some parts of the country but has not exceeded peak pre-accident levels. There has, however, been a tendency for onco-haematological illnesses to rise overall. The number of leukaemia patients stands at 44.7 per 100,000 children (80-100 cases per year). Of particular concern is the rise in cases of thyroid cancer among children. Before the accident there were 1-2 such cases per year; since the accident, over 450 children have been operated on for the same reason, more than half of them children living in Gomel oblast.

Belarus has retained its traditional system for keeping children healthy. Regarding organized healthy activity for schoolchildren as a form of social welfare for children and their families, the State defrays a significant proportion of the costs of sending children to fitness camps. Fitness activities are financed out of the State social insurance scheme and local budgets.

and by enterprises. Parents' contributions amount to 10-15 per cent of the total cost. A significant proportion of the children attending fitness camps, sanatoriums, rest homes, tourist resorts, school summer camps, labour and recreation camps, etc., come from areas contaminated as a result of the accident at the Chernobyl nuclear power plant. Some of the children from the affected regions also go abroad every year to recuperate.

Since 1998, the Ministry of Education has been working on a bill to amend the Education Act that has been in effect since 1991. Passage of the bill is expected in the year 2000. No fundamental changes are expected in article 4, which lays down the goals of education, because fostering the all-round development of the personality and the full realization of individuals' creative capacities, inculcating informed respect for a world order based on an acknowledgement of all peoples' political, economic and social rights and for democracy as a form of government and existence that enables every individual to participate in decisions intended to improve society, and helping to instil humanity and mercy into relations between people are still valid goals and principles for an educational system in these latter days.

At present Belarus has a nationwide system of continuous education beginning at the pre-school level. As of 1 January 1999 the country had 4,500 pre-school institutions. These catered for 434,400 children, or 65.3 per cent of the total child population (74.9 per cent in urban areas, 39.5 per cent in rural districts). Of these, 45.9 per cent attend pre-school institutions in which Belarusian is the normal language of intercourse, 42.4 per cent attend institutions where Russian is spoken, and 11.7 per cent, institutions using both Belarusian and Russian. At parents' request, a number of pre-school institutions in Vitebsk, Grodno and Brest oblasts also function in Polish, German and other languages. Among the general mass of pre-school institutions there are 6 development centres, 13 enhanced-programme institutions, 163 school-kindergarten complexes, 32 remedial institutions for children with special mental and physical development characteristics, and 27 kindergarten-cum-health centres.

General education, consisting of three levels - primary (4 years), basic (9 years) and middle (11-12 years), is the central link in the system of continuous education, enabling children to develop their various creative abilities and acquire the underlying habits of intellectual and physical work. In 1998-1999, Belarus had 4,783 daytime general schools in operation (1,600,500 pupils), including 738 primary (15.4 per cent, with 20,600 pupils), 1,064 basic (22.2 per cent, with 77,300 pupils), and 2,779 middle schools (58.1 per cent, with 1,396,000 pupils).

The next link in the system of continuous education is higher education. As of 1 September 1999 there were in Belarus 42 State-run institutions of higher learning (207,200 students) operating under the aegis of 10 different ministries and departments: of these, 22 belong to the Ministry of Education system, with 137,000 students. Of the 42 State-run institutions, 17 are universities, 9 are academies, 12 are institutes, 3 are higher colleges and 1 is a training centre. The country also has 15 non-State-run institutions of higher learning (36,500 students). In all, 76.2 per cent of the total number of needy students are housed in boarding facilities. Under the rules governing admission to institutions of higher and specialized secondary learning in the Republic of Belarus, children bereft of parents or parental care and

invalids in categories I and II for whom, in the view of expert medical rehabilitation commissions, education is not contra-indicated can be enrolled without regard to their overall ranking provided they receive positive grades in the entry examinations.

Action to promote human rights nationally and regionally

The determination of the Republic of Belarus to develop regional cooperation in this area is reflected in a series of agreements between Belarus and the Russian Federation relating to the establishment of a human rights institute. In particular, article 16 of the Treaty on the Creation of a Union State calls for the establishment of a human rights commission to uphold and protect the basic rights and freedoms of citizens of the Union. Belarus and the Russian Federation are at present working actively on the establishment of such a commission.

The establishment of the human rights commission will stand in testimony to the determination of the two States to ensure that citizens of the Union State enjoy equal rights to the fullest extent possible, and in confirmation of their unswerving commitment to respect basic human and civil rights and freedoms in accordance with the generally recognized principles and standards of international law.

It should also be noted that Belarus is considering the possibility of establishing a position of children's ombudsman.

The observance of human rights in the Republic of Belarus is a constant concern of the Government. To this end, on 1 March 1999 the Council of Ministers endorsed a National Plan for Human Rights Education, 1999-2004. Work on a national programme of action for the defence of civil rights during the creation of a civilian society, 2000-2005, is currently nearing completion.

THE JUDICIAL SYSTEM AND THE STATUS OF THE JUDICIARY IN BELARUS

The system of judicial organs

Pursuant to the Constitution, judicial authority in Belarus belongs only to legally constituted courts and is exercised independently of the legislature and the executive.

In accordance with article 1 of the Judicial System and Status of Judges Act, justice is administered by the general, economic and other courts provided for in Belarusian law. The general courts include: the Supreme Court of the Republic of Belarus, oblast-level courts, the Minsk Municipal court, district (urban) courts and military courts. The economic courts include: the Higher Economic Court, the oblast-level economic courts and the courts assimilated to them, and the municipal and district economic courts. The system of general and economic courts allows for the constitution of specialized benches and, in the circumstances provided for in Belarusian law, the establishment of special-purpose courts: courts for juveniles, family affairs, administrative cases, questions of land, taxation, etc.

Article 109 of the Constitution prohibits the formation of special courts.

Public confidence in the judiciary

Belarus believes that the administration of justice is, in any State, a very clear and very sensitive indicator of the society's degree of social maturity. The greater the role and authority of the courts and of the judicial system in general and the greater the autonomy and independence of the courts, the more life in the State will be law-abiding and democratic and the better people's rights and freedoms will be protected against infringement.

Citizens' rights to protection before the courts are set forth, together with the main principles of the administration of justice in Belarus, in article 60 of the Constitution.

The hackneyed opinions to the effect that in Belarus there are massive violations of human rights and no effective judicial protection are belied both by judicial practice and by judicial statistics.

Belarusian citizens are making ever fuller and more active use of their right to judicial protection. Whereas in 1993 citizens turned to the courts for the resolution of civil disputes no more than 100,000 times, in 1997 general courts heard 137,000 civil cases alone. In 1998, opinion polls showed that 38 per cent of the persons questioned trusted the courts. What is the basis for that trust?

In the first place, in 1997 alone some 94 per cent of citizens' applications to a court were acknowledged to be justified and the demands in them were satisfied by the courts. Of particular note are the high success rates in: suits for restoration in employment (42 per cent); cases brought against mass media for the protection of citizens' honour and dignity; complaints of notarial malpractice (81 per cent) and petitions for determination of the inaccuracy of records of civil status (94 per cent).

The percentage of appeals from citizens in connection with the protection of their constitutional rights and freedoms is also rising uninterruptedly. Class actions for the protection of property, housing or labour rights are now commonplace. Growth in the numbers of complaints against improper action by officials or organs of State management, petitions for the amendment of preventive measures in criminal cases and complaints of violation of electoral rights has also been gathering pace in recent years.

It is clear from analysis of the situation that the increase in the number of such cases derives from growth in people's sense of justice and knowledge of the law, and not from growth in breaches of citizens' rights by State officials or bodies. Breaches of the kind in question are gradually emerging from the category of latent offences hidden from the judicial system by the power of the State or citizens' fear of possible adverse consequences.

It is true that just a few years ago it was difficult to see how anyone could protest the actions of a senior official to the courts. In 1997, however, some 2,000 citizens filed such complaints with courts of general jurisdiction and 67 per cent of the complaints were found to be justified and were satisfied.

Hence, the right to judicial protection proclaimed in the Constitution is not mere words. It is increasingly being given genuine effect, primarily through the growing body of jurisprudence.

The general principles of the formation of courts

Article 7 of the Judicial System and Status of Judges Act provides that courts are formed through the election or appointment of judges.

The presidents, vice-presidents and judges of the Supreme Court and the Higher Economic Court are elected by the Supreme Council of the Republic of Belarus and serve for an indefinite period.

The judges of oblast-level courts; the City of Minsk court; district (urban) courts; military courts; oblast-level, urban and district economic courts and specialized courts are appointed by the President of the Republic and, with the exception of those appointed judges for the first time, also serve indefinitely. Judges serving an initial appointment will be appointed for an indefinite period after five years' service.

Judges for administrative and enforcement proceedings are appointed by the President of the Republic for five-year terms.

Time spent working as a judge in administrative and enforcement proceedings is taken into account when individuals are appointed to judgeships.

Procedure for obtaining a post as a general-court judge and subsequent training requirements

In Belarus, the requirements applicable to candidates for post as judges, the powers of judges' qualification boards and other matters relating to the operation of the judicial system are governed by the Judicial System and Status of Judges Act of 13 January 1995.

Article 62 of that Act provides that candidates for a post as a judge must be citizens of the Republic and at least 25 years old. In addition, they must have a university-level legal education (with the exception of judges in the Patents Division of the Belarusian Supreme Court, who must have a university-level legal education or a university-level engineering or science education) which their behaviour has done nothing to discredit and at least two years' working experience in the legal field or two years' approved training and a pass in the qualifying examination. The requirements regarding working experience or training and success in a qualifying examination do not apply to judges in the Patents Division of the Supreme Court who hold an engineering or science degree.

The Regulations on Qualification Boards for Judges of Courts of the Republic of Belarus were endorsed by Edict of the President of the Republic of Belarus No. 626 of 4 December 1997 concerning measures to regulate the activity of the courts. The Regulations laid down the legal foundations for the formation and activity of judges' qualification boards.

Judges' qualification boards are formed in order to maintain high professional and moral standards among judges and reinforce the guarantees of the independence and prestige of the judicial profession.

The following qualification boards exist in Belarus:

The board of Supreme Court judges;

The boards of oblast-level (City of Minsk) court judges and district (urban) court judges;

The board of Belarusian Military Court and inter-garrison court judges;

The board of economic court judges.

The board of Supreme Court judges is elected by the Plenum of the Supreme Court from among the members of the Court.

The qualification boards of oblast-level (City of Minsk) and district (urban) court judges and those of Belarusian Military Court and inter-garrison court judges are elected at conferences of judges of the courts concerned from among the members of those courts.

The qualification board of economic court judges is elected by the Plenum of the Higher Economic Court from among the members of economic courts.

The sizes of qualification boards, the rules for the representation on them of junior judges and the voting regulations are fixed by the corresponding court plenums and conferences of judges in agreement with the Ministry of Justice.

Each qualification board includes a representative of the relevant organs of justice, who has the right to vote.

Qualification boards are constituted for terms of three years and are required to report to the corresponding court plenums and conferences of judges at least once a year, as well as at the end of their term.

The competence of judges' qualification boards extends to the following:

Approval of the composition of the boards administering the qualifying examinations for candidates for judgeships;

The determination, jointly with the presidents of the corresponding courts, of procedure for the preparation and holding of qualifying examinations;

Examination of candidacies for judgeships and, depending on their results in the qualifying examinations, recommendation of candidates for appointment or not;

The testing of judges' skills and the award to judges of qualification grades, etc.

Tests of judges' skills are conducted with a view to improving the quality of the judiciary, ensuring that judges are up to their tasks, promoting their professional development, determining their need for further training, and increasing their responsibility for observance of the law in the administration of justice. The tests are intended to provide an objective evaluation of judges' professional knowledge and ability to apply that knowledge in administering justice, their professional qualities and the degree to which they meet the requirements laid down in the Constitution and the legislation adopted pursuant to it.

The results of the tests serve as the basis for the issuance of Presidential edicts appointing or dismissing judges or awarding qualification grades.

It should be noted that no judge has been appointed or removed without a corroboratory conclusion from a qualification board. During the period 1979-1999, a total of 100 judges, including 18 judges of oblast-level courts, were removed from office for a variety of reasons. The commonest reasons were: removal at own request, 46 judges; retirement, 30 judges; other reasons, 24 judges.

Further to Presidential Edict No. 348 of 30 June 1998 there is now in operation, as part of the Belarusian State University, a Retraining and Skills Enhancement Institute for judges and officials of the Procurator's Office, the courts and other organs of justice. Some 200 judges of oblast-level and district (urban) courts attend the Institute each year.

There is also a system whereby judges study the application of the law by courts of general jurisdiction.

Work volume and caseload, time spent and satisfactoriness of consideration of criminal and civil cases in 1999

In 1999, district (urban) courts considered and passed sentence in 48,716 criminal cases; this is 0.7 per cent higher than in 1998. In all, the courts tried 59,862 individuals; this is 0.3 per cent higher than in 1998.

A total of 113,404 civilian cases were considered and settled; this is 1.2 per cent less than in 1998. The courts conducted 272,592 administrative hearings; this is 4.8 per cent more than in 1998.

In recent years there has been a tendency for the time spent in considering criminal and civil cases to diminish. In 1999, district (urban) courts took over one month to consider 1,857 (3.8 per cent of all) criminal cases, and longer than the procedural deadlines set to consider 2,280 (1.7 per cent of all) civil cases; the corresponding figures for 1998 were 2,995 (6.2 per cent) and 5,038 (3.6 per cent).

The average monthly workload per judge in 1999 was 7.5 criminal and 19.4 civil cases. This is somewhat higher than in 1998.

Nationwide, the number of administrative hearings per judge averaged 134 per month.

The satisfactoriness of criminal proceedings remained at its previous level. In all, 1,282 sentences were quashed in cassation proceedings: this represents 2 per cent of the cases heard.

As in 1998, the satisfactoriness of civil proceedings has improved. In all, 1,949 decisions (1.7 per cent) were overturned, whilst 2,276 (2 per cent) were overturned in 1998.

The oblast-level courts and the City of Minsk court of first instance heard and passed sentence in 645 criminal cases involving 959 individuals: this is 1.5 per cent more than in 1998.

The satisfactoriness of criminal proceedings improved somewhat. The Supreme Court set aside 41 sentences (4.2 per cent) in cassation proceedings and on judicial review, as against 52 sentences (5.2 per cent) in 1998. Proceedings in 121 civil cases were brought to a conclusion: this is 14.1 per cent more than in 1998, and the satisfactoriness of the proceedings improved somewhat.

In 1999 the district (urban) courts handed down 3,467 partial rulings in criminal cases; this is 18.9 per cent higher than in 1998.

Year	Criminal cases heard	Sentences passed	Condemned (individuals)	Acquittals (individuals)	Referred for further investigation (individuals)
1997	54 203	47 401	57 846	466	5 381
1998	54 239	48 389	59 700	272	4 827
1999	55 217	48 716	59 862	179	4 719

Belarusian courts consider cases within deadlines laid down in the legislation governing criminal procedure. A decision to send a case to trial must be handed down by a judge or court in administrative session not more than 10 days after the case is submitted to the court. Consideration of the case in judicial session must begin not later than 14 days after it has been decided or determined by the court in administrative session to commit the accused to trial.

On average about 1.5 per cent of criminal cases take longer than a month in court.

Pay for judges in the general courts in Belarus

Judges' pay consists of:

1. Their official salaries (established as percentages of the official salary of the president of the Supreme Court);

2. Supplements for classes awarded (from fifth to senior);

3. Long-service supplements (between 10 and 40 per cent of the sum of items 1 and 2);

4. Supplements for complex and stressful work (up to 50 per cent of salary);

5. A bonus (from 50 per cent of salary).

An average judge's pay in May 2000 was:

1. In the oblast-level courts, 118,000 roubles;

2. In the district courts, 87,000 roubles.

Judges receive holiday pay amounting to 1.7 times their official monthly salary. The source from which they are paid is the State budget.

THE SYSTEM OF ECONOMIC COURTS

Procedure for the acquisition of judgeships in the economic courts, requirement to improve qualifications

Under articles 6 and 7 of the Economic Courts Act, a citizen of the Republic of Belarus who has reached the age of 25 and has a university-level legal education and not less than two years' working experience in a specialized legal field, or who has duly undergone a two-year on-the-job training course and committed no degrading misdemeanour, may become a judge of the economic courts. To become a judge of the Higher Economic Court, five years' working experience in a specialized legal field is required.

A candidate who meets these requirements may be admitted to the qualifying examination for judges of the economic courts.

The qualifying examination is administered by an examination board operating under the authority of the Higher Economic Court which, in conformity with the Regulations on qualifications boards of the courts of Belarus endorsed by Presidential Edict No. 626, dated 4 December 1997, is approved by the Economic Courts Qualifications Board. The examination board is composed of judges of the economic courts.

A specimen list of questions for use in qualifying examinations for judges of the economic courts was endorsed by resolution No. 8, adopted by the Plenum of the Higher Economic Court on 20 July 1999. The list includes general questions on the Constitution, the legal system and judges' status, issues of economic procedural law, and questions relating to civil, criminal, tax and customs legislation and administrative misdemeanours.

The results of the qualifying examination are valid for one year from the time the examination is passed and throughout the period during which the individual concerned works as a judge in the economic courts.

The Economic Courts Qualifications Board decides, on the strength of the results of the qualifying examination, whether or not to recommend a candidate for appointment as a judge.

A candidate may reapply to the Board, but not during the year following its decision.

The Qualifications Board operates as part of the system of economic courts in the Republic of Belarus. It is governed, as mentioned above, by the Regulations on qualifications

boards of the courts of Belarus endorsed by Presidential Edict No. 626, dated 4 December 1997. The Economic Courts Qualifications Board comprises seven judges of the economic courts and a representative of the Ministry of Justice. The members are elected for three-year terms by the Plenum of the Higher Economic Court.

Once every five years, judges of the economic courts attend the Institute for Retraining and Further Studies for judges, employees of the State Procurator's Office, courts and institutions of justice at the Belarusian State University in order to hone their skills.

Two judges were removed from the roll in 1999, one at his own request, the other upon his death. This year one judge has been removed, at his own request.

Pay of judges of the economic courts

The source from which judges are paid is the State budget.

Presidential Edict No. 771 of 4 December 1997 sets the official salaries of the President and governmental officials as multiples of the basic wage rate. Presidential Edict No. 625 of 4 December 1997 sets the official salaries of judges in the Republic as percentages of the official salary of the president of the Higher Economic Court:

Higher Economic Court

President	100
First Vice-President	90
Vice-President	85
Judge	80

Oblast-level economic courts

President	80
Vice-President	75
Judge	70

Presidential Edict No. 772 of 28 December 1999 (annex 2) sets the level of salary supplements per qualification grade for judges in Belarus:

Qualification grade	Size of supplement (x basic wage rate)
Senior	7.0
First	5.5
Second	4.9
Third	4.0
Fourth	3.6
Fifth	3.3

Presidential Edict No. 624 of 4 December 1997 states that "the supplement for long service, complex or stressful work and notable performance by officials, the first vice-president and the vice-presidents of the Higher Economic Court is hereby set at 50 per cent of their official salary".

Presidential Edict No. 545 of 27 November 1997 lays down that State employees and individuals appointed to (elected to, confirmed in) positions in the State bodies operating under the authority of the President shall receive salary supplements for long service in the following amounts:

1 to 5 years	10%
5 to 10 years	20%
10 to 15 years	30%
Over 15 years	40%
	of official salary

By order of the Ministry of Labour No. 8, of 24 January 2000, annex 1, "Remuneration for employees of the organs of State administration", (order No. 70 of 19 January 2000, amending order No. 84 dated 21 January 1998 by the Council of Ministers):

1. Estimates for judges' maintenance shall include provision for outlays of up to 10 per cent of official salary in supplements for complex and stressful work and for notable achievement.

2. Judges shall be awarded bonuses, budget resources in the amount of 50 per cent of their official salaries being set aside for this purpose.

3. Judges shall be awarded material assistance in the amount of 1.7 times their official [monthly] salary per year, normally payable when they take annual leave. They shall also be given assistance in dealing with unforeseen material difficulties, 0.3 times their official [monthly] salary being set aside for this purpose.

THE LEGAL PROFESSION IN BELARUS

The operation of the legal profession is governed by the Legal Profession Act of 15 June 1993 and Presidential Decree No. 12 of 3 May 1997, "Measures to improve the operation of the legal and notarial professions in the Republic of Belarus".

Under article 7 of the Legal Profession Act, a citizen of the Republic of Belarus with a university-level legal education who has at least three years' working experience in the legal field or, lacking such experience, has undergone an on-the-job training programme of between six months and a year in the legal profession, and who has passed the qualifying examination and received a licence to practise as a lawyer, may be a lawyer in the Republic of Belarus.

The procedure for the administration of the qualifying examination is governed by the Regulations of the Lawyer Qualification Commission of the Republic of Belarus, approved by the Minister of Justice on 4 June 1997, as subsequently amended. The qualifying examination includes:

Replying to oral or written questions on substantive and procedural law;

Solving practical problems;

Comparing legal documents; and

An interview.

The schedule for the examination is drawn up by the Belarusian Law Association, as the Regulations require. Admission to a bar association is by decision of the association's Presidium. Anyone who has obtained a licence to practise as a lawyer is entitled to apply for admission to the corresponding oblast-level (City of Minsk) bar association. The legal profession is exercised in Belarus only by individuals who are members of a bar association. This requirement corresponds to the practice in many countries. Membership of the appropriate professional organization is a requirement in the United States of America, Poland, Sweden and elsewhere, given the particular nature of a lawyer's activities, access to the materials of criminal investigations, and the high moral standards required of lawyers.

Bar associations are exempt from all general State taxes, levies and other payments, including the special tax to finance the clean-up after the disaster at the Chernobyl nuclear power station. The intention of this provision is to strengthen the associations' financial standing, make available better legal assistance to the needy and provide citizens with legal assistance free of charge.

Under article 11 of the Legal Profession Act, the Lawyer Qualification Commission is appointed by the Ministry of Justice for a three-year term and numbers not less than nine persons: lawyers with at least five years' working experience, representatives of State bodies and other experts in law. It is chaired by the Deputy Minister of Justice. According to article 3 of the Regulations governing the Commission, its members must include not less than four representatives of the legal profession, among them the president of the Belarusian Bar Association who is a member ex officio.

Under article 24 of the Act, membership of a bar association ceases as a result of removal or disbarment by decision of the Presidiums of the oblast-level (City of Minsk) bar associations.

Removal from a bar association may take place:

1. At the lawyer's request:

If on health grounds he finds himself incapable of performing his duties;

If he practises outside the bar association.

2. Disbarment from a bar association occurs if the individual concerned commits a misdemeanour incompatible with the calling of a lawyer:

Systematic breaches of the Legal Profession Act or the lawyers' rules of professional ethics, or failure to perform the duties of a lawyer in good conscience, when disciplinary action has previously been taken for such breaches;

If circumstances come to light indicating that a lawyer acted illegally in obtaining his licence to practise.

Withdrawal of the right to practise as a lawyer is also authorized in the event of tax evasion.

Seven lawyers had their licences withdrawn on motions from the Presidiums of the oblast-level and City of Minsk bar associations in 1999: three for conduct incompatible with the calling of a lawyer, and four for systematic breaches of the Legal Profession Act or the rules of professional ethics.

Licences to practise as a lawyer are suspended if the lawyer takes up judicial or other duties counting towards length of service in the State apparatus, or moves to another organization, enterprise or institution, or enters into full-time education. Seven licences were suspended in 1999.

By virtue of article 2.4 of the rules of professional ethics approved by the Ministry of Justice on 8 December 1997, lawyers are required constantly to extend and enlarge their knowledge of the law. Belarusian lawyers undergo further training centrally, at the Belarusian Law Association, and locally, at their oblast-level (City of Minsk) bar associations. The Belarusian Bar Association runs further training courses at least four times a year. Two hundred lawyers attended such courses in 1999 alone. They were addressed by leading practitioners, legal scholars and the drafters of the new legal codes.

Training at the oblast-level and City of Minsk bar associations takes the form of lectures and seminars on set topics.

Attendance by lawyers is compulsory.

Lawyers are paid for their work out of the resources they receive from individuals and legal entities in consideration of legal assistance rendered. The size of their fees is determined by written agreement between them and their clients with due regard for their experience and qualifications, professional authority, their time and effort, and the other matters stipulated in article 6.2 of the rules of professional conduct. If the client so wishes they may, in accordance with established procedure, accept a supplementary fee in recognition of good professional work.

Lawyers receive benefits (for temporary unemployment, child care and so forth) from the State social insurance scheme, and are also entitled to State pensions.

THE OFFICE OF THE STATE PROCURATOR IN BELARUS

Special (university-level legal) education and a period of practical work as an investigator or assistant procurator are required for appointment as a State procurator. The Office of the State Procurator Act contains no stipulation that an examination must be passed.

Fifteen procurators have been relieved of their duties in 1999 and the part of 2000 that has so far elapsed: six at their own request, one upon retirement, and eight for improper performance of their duties.

Procurators undergo constant further training at a centre operating year-round under the authority of the Office of the State Procurator, and at the Institute for Further Studies at the Belarusian State University. The Office of the State Procurator also regularly puts on special seminars to help staff improve their skills.

Procurators' pay depends on the jobs they occupy, their length of service and their rank. They are paid out of the State budget.

LEGAL EDUCATION IN BELARUS

Belarus currently has 21 institutions of higher learning at which law is taught, including 10 that are not operated by the State.

At the beginning of the academic year 1999/2000 there were 27,429 students reading law at institutions of higher learning: 14,570 at State-run and 12,859 at non-State-run institutions. After completing their studies, graduates work for entities irrespective of their kind of ownership, including procurators' offices, courts and judicial institutions.

Admission to read law at a State institution of higher learning takes place in accordance with the admission procedure for State institutions of higher learning approved every year by the Ministry of Education. Admission to non-State-run institutions is governed by the rules drawn up by those institutions themselves.

The general requirements for obtaining a legal education are laid down in the State educational standard for law as a principal subject of study.

Enrollees and graduates of law classes (Speciality G.09.01.00) in State and non-State, higher educational establishments

(Numbers as at beginning of 1999/2000 academic year)

	Enrollees (total)	Method of study			Graduates (total)	Method of study		
		Full-time	Evening classes	Correspond-ence course		Full-time	Evening classes	Correspond-ence course
Council of Ministers (Belarusian State University)	351	236	0	115	388	233	0	155
Ministry of Education	1 352	776	0	576	328	209	0	119
Ministry of Internal Affairs	1 090	465	0	625	953	480	0	473
Ministry of Agriculture and Food	114	60	0	54	29	29	0	0
Management Academy, Office of the President of the Republic	123	62	0	61	119	0	0	119
Total	3 030	1 599	0	1 431	1 817	951	0	866
Non-State establishments	1 743	1 004	0	739	1 365	279	22	1 064
Grand total	4 773	2 603	0	2 170	3 182	1 230	22	1 930